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Standing Committee on Finance and Economic Affairs
99 Wellesley Street West
Room 1405, Whitney Block
Queen's Park, Toronto, ON M7A 1A2

Attn: [Amarjot Sandhu](#), MPP, Chair; [Julia Douglas](#), Clerk

CC: [Hon. Rod Phillips](#), Minister of Finance; [Hon. Doug Ford](#), Premier of Ontario

Re: Bill 229, Protect, Support and Recover from COVID - 19 Act (Budget Measures), 2020

By email

Dear members of the committee:

I write to request that Schedules 6 and 8 be withdrawn from Bill 229. Please allow me to state briefly why I believe that this step would be prudent and well-advised.

The practice of drafting omnibus legislation is now well established in Ontario as it is in the rest of Canada. The convenience and efficiency of this practice are clear: by including many measures in a bill, the government can shorten the time needed to amend many other pieces of legislation without having to debate, defend, and pass those amendments separately and seriatim before the legislature. At the same time, however, it behooves us as citizens, and you as legislators, to pay more than usually close attention to all proposed amendments in order to ensure that they are truly relevant to the core proposals. The stated purpose of Bill 229 is to promote a sound, speedy, and safe economic, social, and public health recovery from the current pandemic. That context is the one in which all proposed measures should be assessed. I do not believe that Schedules 6 and 8 meet the normal standard of relevance: in fact, it is very hard to see how they are relevant in any way to enabling the citizens of Ontario to recover from the pandemic. That is therefore my first reason for believing that they should be withdrawn unless the government can demonstrate their relevance more adequately than has been done to date.

My second reason is that it seems clear that the inclusion of Schedule 6 in particular has prompted widespread and growing resistance to this step, not only from interested parties – such as the conservation authorities themselves, the Canadian Environmental Law Association (CELA), and others– from whom we might normally expect opposition, but from stakeholder groups ostensibly benefitting from the legislation. The Ontario Federation of Agriculture (OFA), for example, has in its submission to you of November 30, 2020, been explicit in saying that it sees no rationale for many of the proposed amendments to the Conservation Authorities Act. In some cases, the OFA has concluded that the amendments will actually add costs and increase delays; in others, it sees no rationale to alter processes and structures that are already working effectively. The OFA goes so far as to express strong support for Ontario's conservation authorities, which “provide a watershed level planning perspective that transcends municipal borders, one that OFA supports and one that deserves support, not only from the province but also from municipalities.”

In a similar vein, I note with interest that the Association of Municipalities of Ontario (AMO) has also expressed a number of serious concerns with the proposals outlined in Schedule 6. This is of particular interest, since one of the most fundamental changes brought about by the implementation of this Schedule would be to ensure that members of conservation authority boards are municipal councillors. While clearly intended to give municipalities more direct input into the programmes and fee structures of authorities, this would clearly violate the most fundamental principles of good governance by placing those boards in a situation of intrinsic conflict of interest and thus effectively making it impossible for them to exercise their statutory fiduciary duty to the authority. The AMO has raised a number of

additional concerns, which they have articulated more forcefully than I am able to, but I urge you to take their concerns very seriously.

By diluting the ability of conservation authority boards to oversee programmes and set fees, and by subjecting them in effect to ministerial fiat, the changes proposed in Schedule 6 would dramatically impair their ability to carry out some of their most fundamental duties. For many years, the flood control programmes implemented and overseen by Cas have been a shining example of success in the proactive management of Ontario's wetlands in harmony with the interests of conservationists, municipalities, and the agricultural sector. It would be extremely rash to proceed with the proposed amendments in light of the prospect of real harm to Ontario from these measures.

There are many other objections that can be raised. To name only one of the most flagrant of these, I remind the committee that CELA and other stakeholders have emphasized that there is no provision for Indigenous voices to form part of the deliberative and governance processes. This is a shocking omission, given the experience of Ontario's First Nations in conservation matters. Given that the changes proposed do not seem to be required by any principle other than that of expediency, and that stakeholder groups – including those who would ostensibly benefit from the modifications – have expressed serious and fundamental objections regarding some basic flaws, I believe that the only appropriate solution is to withdraw Schedule 6 in its entirety and to reconsider the principles governing its inclusion.

Where Schedule 8 is concerned, the Committee may have received fewer objections. In part, this may be because the proposed changes to the *Crown Forest Sustainability Act, 1994* (CFSA) apply largely to parts of Ontario that are distant from our major urban centres in the south. CELA has strongly emphasized, however, that the enactment of the changes proposed in Schedule 8 would have a devastating impact on provisions for the protection of endangered species contained in the *Endangered Species Act, 2007* (ESA), which are not replicated in the CFSA. By focusing on areas of the province that are out of sight and hence out of mind for the majority of Ontarians, Schedule 8 may have “flown under the radar” of many stakeholder groups. CELA has been perfectly clear in its submission to the Committee about the very fundamental nature of the permanent exemptions provided in Schedule 8, which “exempt all forestry operations from mandatory consideration of species at risk protection and recovery mandated by the [ESA].” CELA has also emphasized that the Minister's current ability to issue a stop-work order to prevent harm to endangered species will be nullified by the proposals. It is very difficult to understand what may have prompted these modifications, other than pressure from the logging industry, which already has a very free hand in most areas of the province.

All citizens of Ontario understand and endorse the urgent need to ensure that our people are able to earn a good living. It is equally imperative, however, for us to ensure that our people – not only those now living but those who will come after us – can enjoy the benefits of a healthy environment in which the protection of living things is assured. This is not a frill or the idle wish of a few fancy-pants urbanites: it is vital to our health as a human community. I urge the Committee to recommend the removal of Schedules 6 and 8 from the legislation: their inclusion is not well thought out, has not been adequately justified, and will lead to serious and lasting damage to the province if not fundamentally altered.

Please accept my sincere thanks for your consideration of this submission.

Yours sincerely,



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